

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

Civil Case No. 5:24-cv-00072

NATHANIEL D. ROSE.,

Plaintiff,

v.

MOORESVILLE POLICE
DEPARTMENT,

Defendants.

DEFENDANT’S MOTION TO DISMISS

NOW COMES Defendant Mooresville Police Department, by and through undersigned counsel, and move this Court to dismiss Plaintiff’s Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(2), and 12(b)(6).

Plaintiff has failed to state a claim upon which relief can be granted and this Court lacks jurisdiction as the Mooresville Police Department is not a cognizable legal entity capable of suit. Accordingly, Plaintiff’s claims against Mooresville Police Department fail as a matter of law and the Court should dismiss those claims with prejudice.

This the 7th day of March, 2024.

CRANFILL SUMNER LLP

BY: /s/Jake W. Stewart

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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day electronically filed the foregoing ***Motion to Dismiss*** with the Clerk of Court using the CM/ECF system and will send notification through the U.S. mail and electronic mail of such filing to the following:

Nathaniel D. Rose
151 Waterlynn Drive
 Mooresville, NC 28117
Pro Se Plaintiff

This the 7th day of March, 2024.

CRANFILL SUMNER LLP

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